

Application Serial No.: 09/982,838  
Attorney Docket No. 089070-0311376 (23449-020)  
In Response to Office Action mailed March 25, 2005

**AMENDMENTS TO THE DRAWINGS:**

- The nine (9) attached sheets of corrected drawings in APPENDIX A replace the sheets depicting FIGS. 9, 12-18, and 23 that were filed with the formal drawings submitted on October 22, 2001.
- The nine (9) attached sheets of drawings in APPENDIX B are marked-up versions of the replacement sheets provided in APPENDIX A. These sheets are provided to highlight the corrections made in the replacement sheets provided in APPENDIX A.
- The changes made to FIGS. 9, 12-18, and 23 are described in the **Remarks/Arguments** section beginning on page 10 of this paper.

**APPENDIX A:** Replacement Sheets for FIGS. 9, 12-18, and 23.

**APPENDIX B:** Marked-up Versions of the Replacement Sheets for FIGS. 9, 12-18, and 23.

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**REMARKS**

In response to the Office Action mailed March 25, 2005 (hereinafter "Office Action"), claims 113 and 115-116 have been cancelled without prejudice or disclaimer, and claims 95-96, 98-99, 101-104, 106-109, 111-112, 117, and 125 have been amended. No claims have been newly added. Therefore, claims 95-112, 114, and 117-126 are pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

**INFORMATION DISCLOSURE STATEMENT (I.D.S.)**

Applicant thanks the Examiner for considering the references cited in the electronic I.D.S. filed February 13, 2002, as evidenced by the signed and initialed copy of the Form PTO-1449 returned with the First Office Action.

1. An I.D.S. was filed by Applicant on February 13, 2003. To date, however, Applicant has not received a copy of the Form PTO-1449 signed by the Examiner indicating that this I.D.S. was considered. Accordingly, Applicant respectfully requests that the Examiner provide a signed copy of the Form PTO-1449 for this submission with the next Office Action.
2. Applicant is submitting herewith a Supplemental Information Disclosure Statement and respectfully requests that the Examiner consider the cited references and provide a signed copy of the Form PTO-1449 for this submission with the next Office Action.

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**SPECIFICATION**

The Specification has been amended to update related application data.

**DRAWING CORRECTIONS (& INCORPORATION BY REFERENCE)**

A set of formal drawings was submitted with the application as-filed on October 22, 2001. Subsequently, it was discovered that there were inadvertent errors and omissions in the drawings submitted for FIGS. 9, 12-18, and 23.

Accordingly, Applicant is submitting herewith nine (9) attached sheets of drawings in **APPENDIX A** that replace the sheets depicting FIGS. 9, 12-18, and 23 that were originally filed with the application on October 22, 2001.

The nine (9) attached sheets of drawings in **APPENDIX B** are marked-up versions of the replacement sheets provided in **APPENDIX A**. These sheets are provided to highlight the corrections made in the replacement sheets provided in **APPENDIX A**.

Applicant submits that the changes to the drawing figures described above do not constitute the addition of new matter, as support for the instant corrections is provided throughout the as-filed Specification. Applicant further notes that the above-referenced application is a continuation of U.S. Application Ser. No. 09/722,050, filed November 27, 2000, which is incorporated by reference. As such, support for the instant corrections is also provided in FIGS. 9, 12-18, and 23 of U.S. Application Ser. No. 09/722,050. Accordingly, Applicant requests that the Examiner approve the changes to the drawing figures.

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**NON-STATUTORY DOUBLE PATENTING REJECTION**

Claim 95 stands rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 43 and 46 of U.S. Patent Application No. 10/119,082 to Gatto (hereinafter “Gatto ‘082). *See* Office Action, pg. 3, ¶4. Applicant traverses this rejection for at least the reason that the Examiner has failed to establish a *prima facie* case of non-statutory obviousness-type double patenting.

The Examiner’s rejection, in its entirety, comprises only the broad allegation that the claims are “*not patentably distinct from each other because they recite the means or steps that are substantially the same and that would have been obvious to one of ordinary skill in the art*” without any support or explanation. This is legally improper. The Examiner has not identified the differences between the inventions defined by the *allegedly* conflicting claims, nor has the Examiner set forth any reasons why a person of ordinary skill in the art would conclude that the inventions defined by the *allegedly* conflicting claims are obvious variations. Accordingly, this rejection is improper and should be withdrawn.

**REJECTIONS UNDER 35 U.S.C. §101**

Claims 95-126 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. *See* Office Action, pg. 2, ¶ 2. Although Applicant disagrees with the rejection of the Examiner and contends that the Examiner is improperly reading limitations into 35 U.S.C. §101 on the subject matter that may be patented, Applicant has amended independent claim 95 to include the Examiner’s suggested claim language. Accordingly, withdrawal of this rejection is earnestly sought.

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**ALLOWABLE SUBJECT MATTER**

Applicant thanks the Examiner for the indication of allowable subject matter. The Examiner has indicated that claims 96-104, 106-114, and 117-126 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. *See Office Action, pg. 5, ¶8.*

**REJECTIONS UNDER 35 U.S.C. §103**

The Examiner has rejected claims 95, 105, 115, and 116 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,608,620 to Lundgren. *See Office Action, pg. 4, ¶7.* The cancellation of claims 115-116 without prejudice or disclaimer renders the Examiner's rejection moot with regard to these claims. With regard to claims 95 and 105, Applicant traverses this rejection for *at least* the reason that Lundgren fails to disclose, teach, or suggest each of the features of independent claim 95.

In particular, none of the citations to Lundgren relied upon by the Examiner (e.g., Abstract; FIG. 1; col. 1, lines 21-50; and claim 1) appear to disclose, teach, or suggest at least the feature of generating individual relative accuracy ratings for each of the multiple analysts for one or more events, as disclosed and claimed by Applicant. Accordingly, the rejection is improper and should be withdrawn.

Dependent claims 96-112, 114, and 117-126 are allowable because they depend from allowable independent claim 95, as well as for the further features they contain. Accordingly, while it is unnecessary at this time to address the Examiner's unsupported contention (*see* Office Action, pg. 5) that the features of claims 105 and 115-116 are old and well known in

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the art, Applicant expressly reserves the right to traverse this assertion should the Examiner maintain the rejection of independent claim 95.

### CONCLUSION

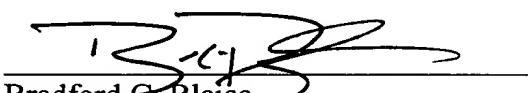
Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: September 21, 2005

Respectfully submitted,

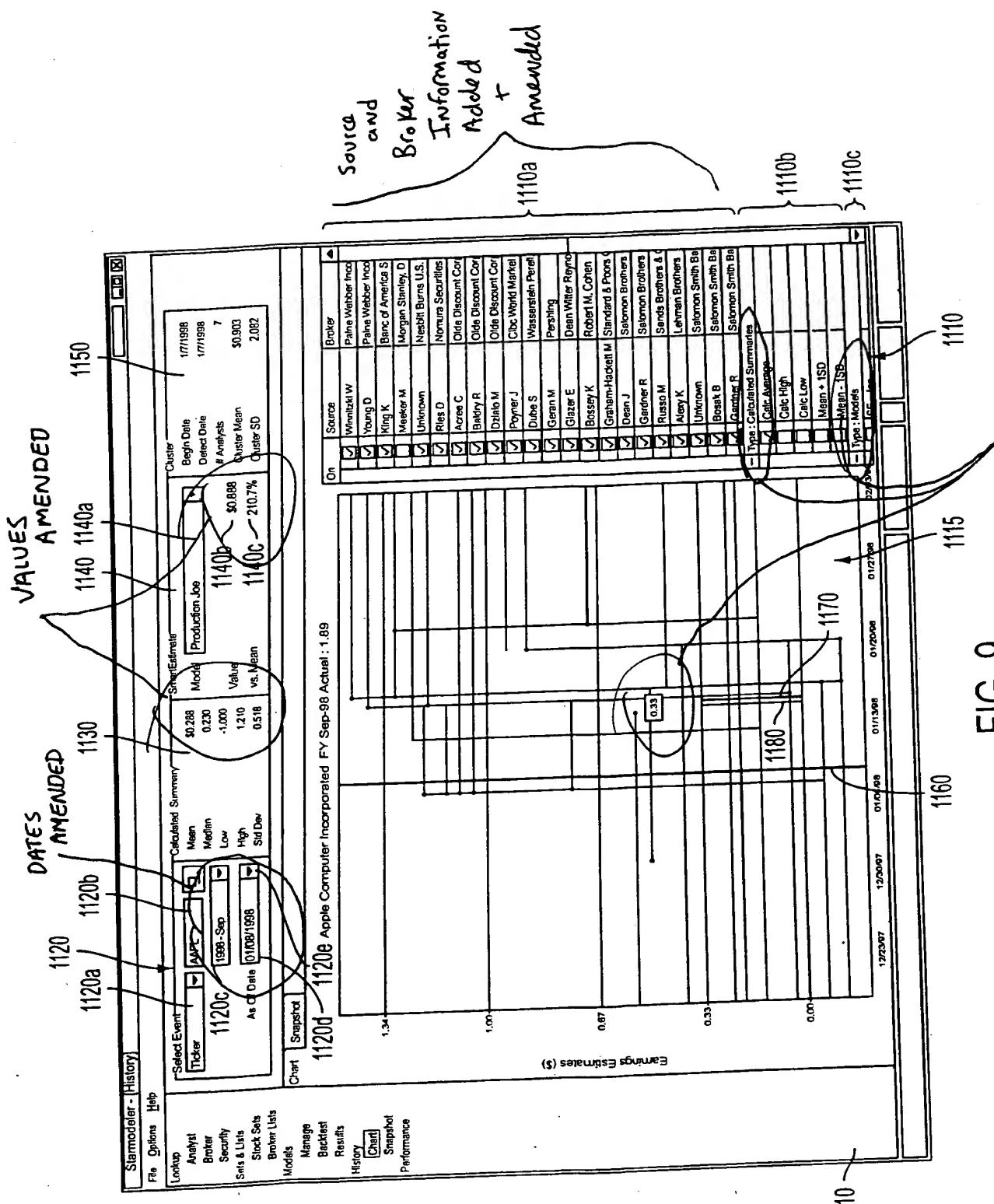
By:



Bradford C. Blaise  
Registration No. 47,429

**Customer No. 00909**

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Information included in FIG. 9 as originally filed, but not included in previously submitted FIG. 9, with formal drawings.

INFORMATION AMENDED

115

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FIG. 12

12

## Drawing

previously  
submitted  
Eastman

CAPTION AMENDED

2110 2120

Stammzähler

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<table border="1"> <tr> <td>Model Name: <input type="text" value="Joe"/></td> <td>Factor Weights</td> </tr> <tr> <td><input type="checkbox"/> Exclude estimates older than <input type="text" value="100"/> days old.</td> <td>Accuracy 1: <input type="text" value="40(19.51%)"/></td> </tr> <tr> <td><input type="checkbox"/> Exclude estimates more than <input type="text" value="2.5"/> standard deviations from the mean.</td> <td>Accuracy 2: <input type="text" value="80(23.27%)"/></td> </tr> <tr> <td><input type="checkbox"/> Attempt to detect most recent cluster. Exclude all estimates prior to this point.</td> <td>All Star: <input type="text" value="0(0.00%)"/></td> </tr> <tr> <td><input type="checkbox"/> Cluster Definition</td> <td>Broker List: <input type="text" value="35(7.07%)"/></td> </tr> <tr> <td><input type="checkbox"/> Adjacent estimates are a distance of 100 more than <input type="text" value="3"/> days.</td> <td>Experience: <input type="text" value="35(7.07%)"/></td> </tr> <tr> <td><input type="checkbox"/> Field number of analysts: at least <input type="text" value="4"/></td> <td>Estimate Age: <input type="text" value="35(7.07%)"/></td> </tr> <tr> <td><input type="checkbox"/> Variable number of analysts</td> <td></td> </tr> <tr> <td colspan="2">Require 2 analysts when # of analysts is between 2 and <input type="text" value="8"/></td> </tr> <tr> <td colspan="2">Require 3 analysts when # of analysts is between 5 and <input type="text" value="10"/></td> </tr> <tr> <td colspan="2">Require 4 analysts when # of analysts is between 9 and <input type="text" value="16"/></td> </tr> <tr> <td colspan="2">Require 20 <input type="text" value="5"/> % of analysts when followed by 21 or more analysts</td> </tr> </table>					Model Name: <input type="text" value="Joe"/>	Factor Weights	<input type="checkbox"/> Exclude estimates older than <input type="text" value="100"/> days old.	Accuracy 1: <input type="text" value="40(19.51%)"/>	<input type="checkbox"/> Exclude estimates more than <input type="text" value="2.5"/> standard deviations from the mean.	Accuracy 2: <input type="text" value="80(23.27%)"/>	<input type="checkbox"/> Attempt to detect most recent cluster. Exclude all estimates prior to this point.	All Star: <input type="text" value="0(0.00%)"/>	<input type="checkbox"/> Cluster Definition	Broker List: <input type="text" value="35(7.07%)"/>	<input type="checkbox"/> Adjacent estimates are a distance of 100 more than <input type="text" value="3"/> days.	Experience: <input type="text" value="35(7.07%)"/>	<input type="checkbox"/> Field number of analysts: at least <input type="text" value="4"/>	Estimate Age: <input type="text" value="35(7.07%)"/>	<input type="checkbox"/> Variable number of analysts		Require 2 analysts when # of analysts is between 2 and <input type="text" value="8"/>		Require 3 analysts when # of analysts is between 5 and <input type="text" value="10"/>		Require 4 analysts when # of analysts is between 9 and <input type="text" value="16"/>		Require 20 <input type="text" value="5"/> % of analysts when followed by 21 or more analysts	
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<p>Information included and amended.</p> <p>Information added or amended.</p> <p>2140</p>																												

## Graphic Select

Information included and mentioned.

2140

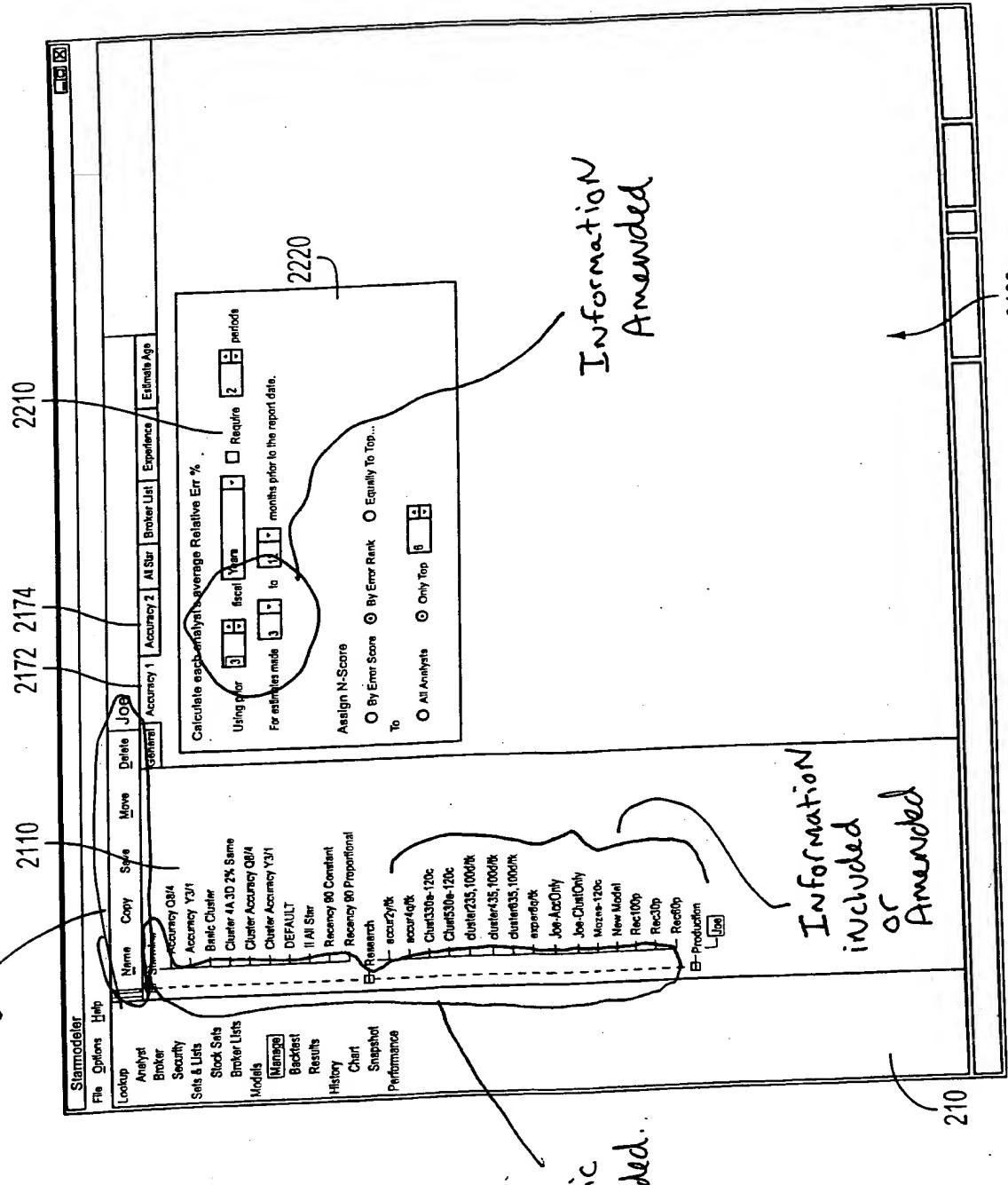
Information  
added or  
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- 2160

FIG 13

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CAPTION  
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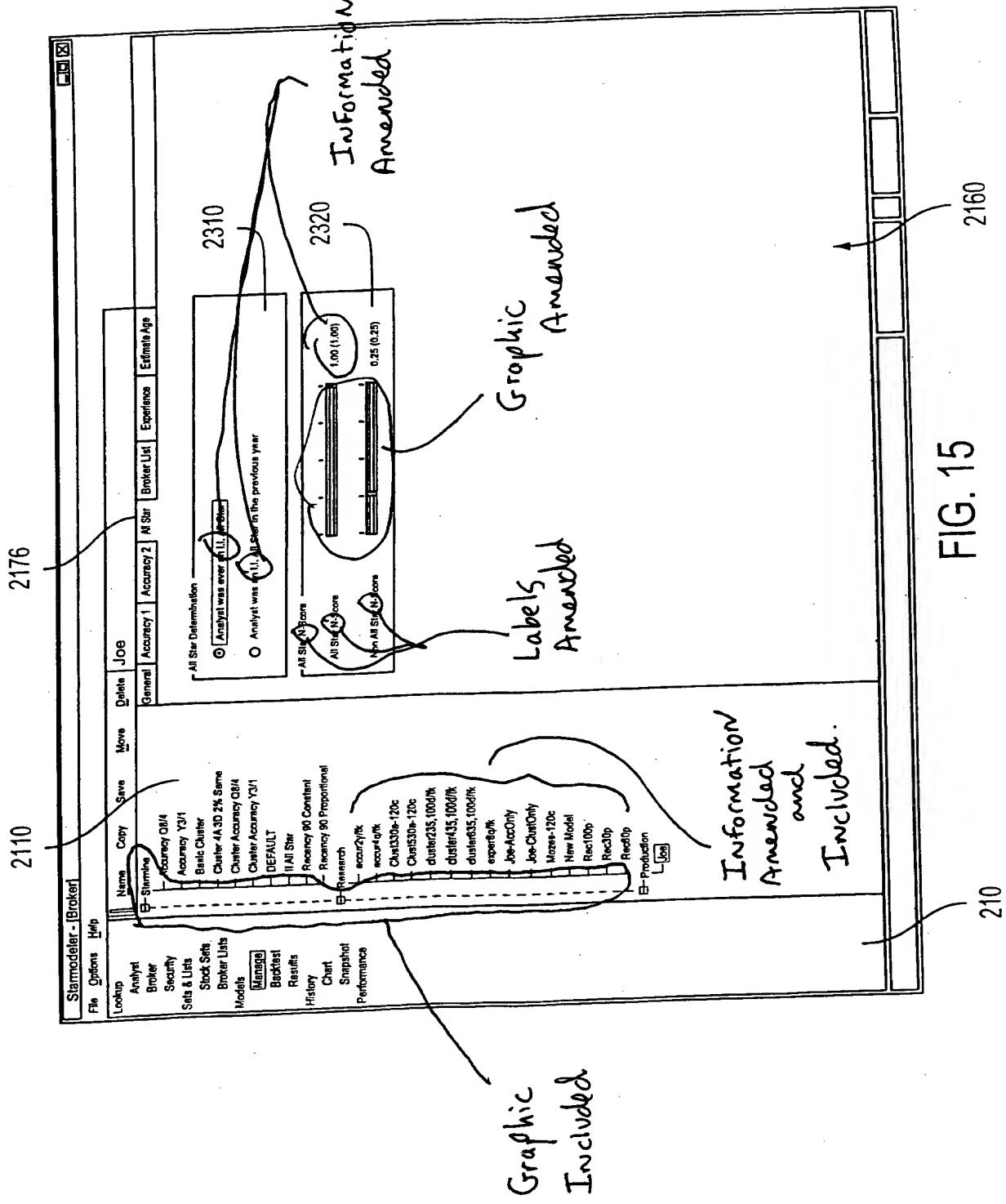


Graphic  
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Information  
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or  
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## Information Amended

FIG 14 2160



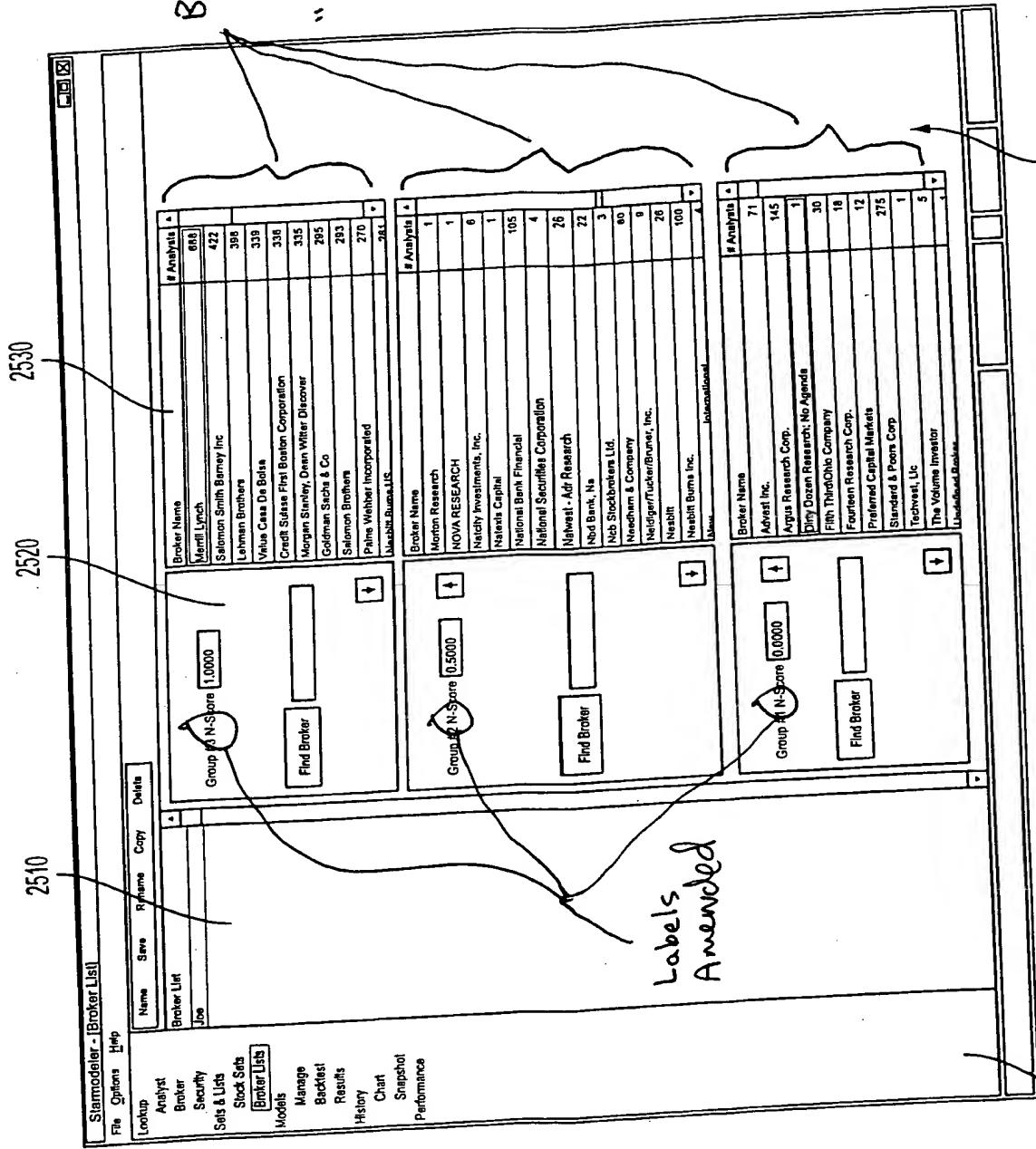
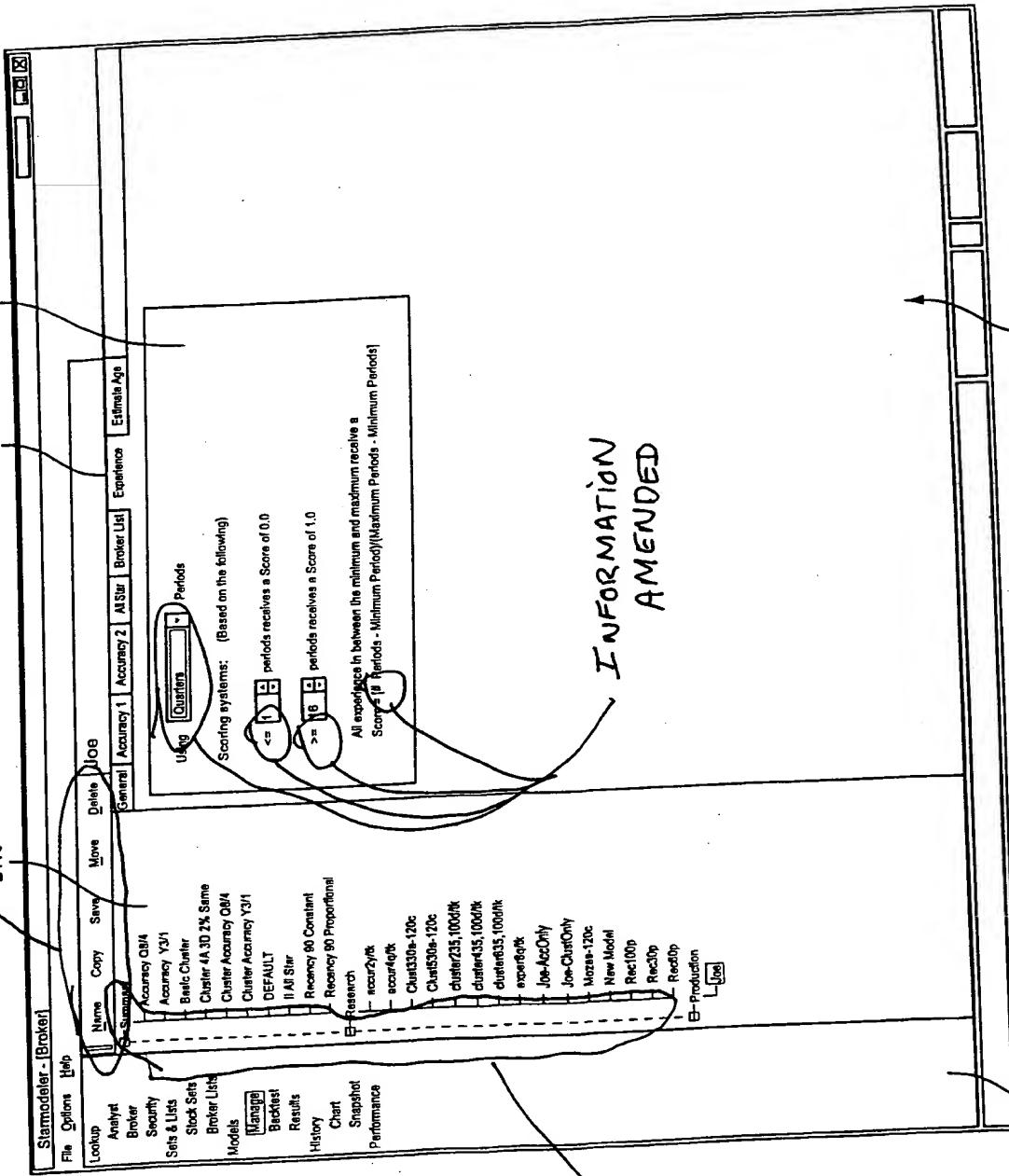


FIG. 16

210

CAPTION  
AMENDED

2110 2180 2610



Graphic  
Included

FIG. 17

2160

210

CAPTION  
AMENDED

2710

2110

StarModeler - Broker

File Options Help

Lookup Analytic Broker Security Sets & Lists Stock Sets Broker Lists Models Manager Backtest Results History Chart Snapshot Performance

Job

General Accuracy 1 Accuracy 2 All Star Broker List Experience Estimate Age

Age-weighting Constant Cutoff: 100 day

Information Included

accuracy

accuracy%

Chart300-120c

Chart500-120c

distr235,1000/k

distr435,1000/k

distr635,1000/k

expansion

Job-At-Only

Joe-ClarityOnly

Mozza-120c

New Model

Ric100p

RicTop

RicTop

Production

Set

## Graphic Timeline

FIG 18 2160

18  
FIG

- 210 -

## Information Annexed.

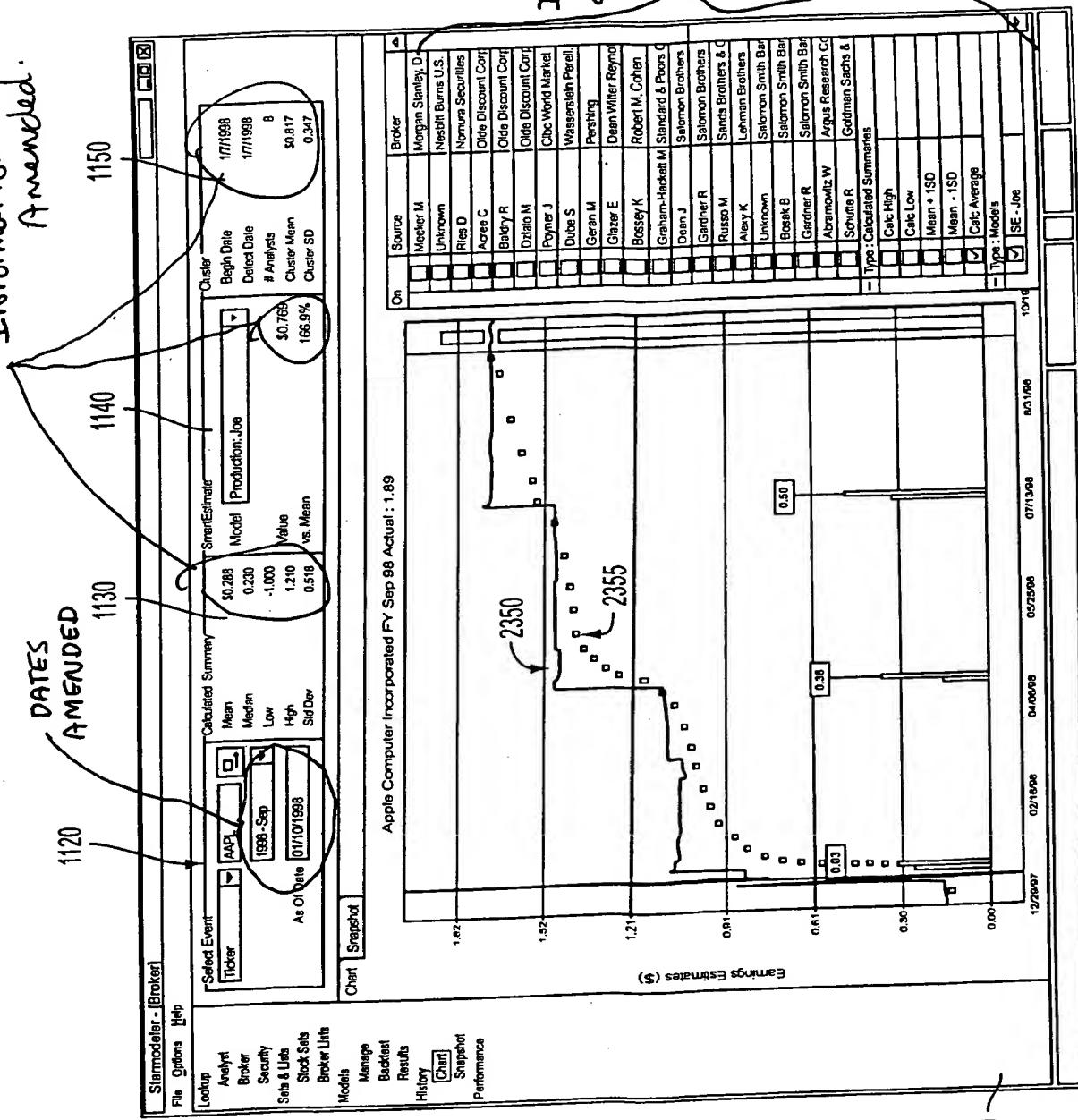


FIG. 23

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